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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,331	09/11/2006	Shawn DeFrees	40853-01-5128-US	2246

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EXAMINER
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HUYNH, PHUONG N

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1644

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12/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## DETAILED ACTION

- I. Claims 1-25 are pending.

### *Election/Restrictions*

- II. Restriction to one of the following inventions is required under 35 U.S.C. 121 and 372:

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1:

1. Claims 1-13, drawn to a compound having the formula: Ab-G-L-T wherein Ab is an antibody, G is an intact glycosyl linking group covalently joining Ab to L; L is a bond or a spacer moiety covalently joining G to T; and T is a toxin.
2. Claims 14-25, drawn to a compound having the formula: S-L-T wherein S is a nucleotide sugar, L is a bond or a spacer moiety covalently joining S to T; and T is a toxin moiety.

The inventions listed as Groups 1-2 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Leung et al (J Immunology 154: 5919-5926, 1995; PTO 1449) teaches a compound such as Ab -G-L-T wherein Ab is an antibody, G is an intact glycosyl linking group covalently joining Ab to L; L is a bond or a spacer moiety covalently joining G to T; and T is a toxin (see page 5922, Figure 2, schematic representation of antibody hMN-14N or fragment thereof Fab<sub>2</sub> having glycoysl linking groups covalently linked to H2N represent by chelator/drugs/toxin, in particular).

Since Applicant's inventions do not contribute a special technical feature when viewed over the prior art they do not have single general inventive concept and lack unity of invention.

- III. Accordingly, Groups 1-2 are not so linked as to form a single general inventive concept and restriction is proper.

- IV. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.
- V. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Huynh "NEON" whose telephone number is (571) 272-0846. The examiner can normally be reached Monday through Friday from 9:00 am to 5:30 p.m. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841. The IFW official Fax number is (571) 273-8300.
- VI. Any information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phuong Huynh/

Patent Examiner

Technology Center 1600

December 21, 2007